

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Municipal Clerk

AGENDA DATE: December 5, 2006

CONTACT PERSON/PHONE: Richarda Duffy Momsen, Municipal Clerk 541-4127

DISTRICT(S) AFFECTED: All

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Appoint two full-time associate judges who will serve as night magistrates for Municipal Court. The City advertised for these positions; the City Manager requested that the elected Municipal Court Judges review the resumes received and make a recommendation. Then all resumes were forwarded to the Mayor and City Representatives for individual review. No separate recommendations were received from the Mayor or City Representatives. For consideration of the City Council, the City Manager is forwarding on the recommendation made by the judges for the appointment of Cheryl Lay and David Biagas.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

The associate judges will conduct magistrate warnings for adults and juveniles arrested on felonies; Misdemeanor Class As, Bs, Cs, including Class C warrants and capias warrants; set bond; issue search warrants; emergency detention orders; protective orders; conduct indigency hearings and other related duties as assigned by the Presiding Judge.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one?

Yes, Council appoints the associate municipal court judges.

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

Positions are budgeted at \$70,000 per year, as approved by Council at the November 14, 2006 meeting.
Department 11010332 Municipal Court Judiciary
Fund 01101 General Fund
Account 501000 Non0Uniformed Wages

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

DEPARTMENT HEAD: _____

(Example: if RCA is initiated by Purchasing, client department should sign also)
Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

RESOLUTION

WHEREAS, the City has provided for the funding of two full time Substitute Associate Municipal Judge positions for service in the El Paso Municipal Courts as authorized under Chapter 30 of the Texas Government Code, and in accordance with Section 2.44.030 of the El Paso City Code, to include performing Night Magistrate functions; and

WHEREAS, a recommendation has come forward to move two current Substitute Associate Municipal Judges, Cheryl S. Lay and David Biagas, into theses full time positions

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That Cheryl S. Lay be appointed to serve in a full time position as Substitute Associate Municipal Judge during the remainder of her current term of office expiring on the fourth Tuesday in June 2007.
2. That David Biagas be appointed to serve in a full time position as Substitute Associate Municipal Judge during the remainder of his current term of office expiring on the fourth Tuesday in June 2009.

DATED this 5th day of December 2006.

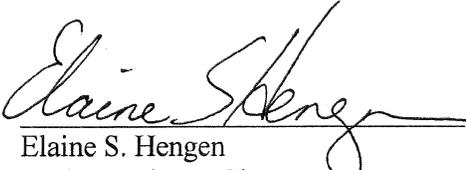
CITY OF EL PASO

ATTEST:

John F. Cook, Mayor

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Elaine S. Hengen
Senior Assistant City Attorney

06 NOV 31 AM 9:14
CITY CLERK DEPT.

STATE BAR OF TEXAS



Office of The Chief Disciplinary Counsel

November 28, 2006

RE: **Mr. David Edward Biagas**
State Bar Number - **02285500**

To Whom it May Concern:

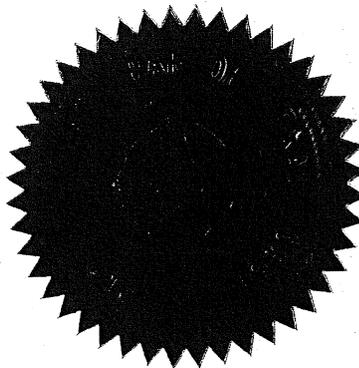
This is to certify that Mr. David Edward Biagas was licensed to practice law in Texas on May 13, 1983 and is an active member in good standing with the State Bar of Texas.

Good Standing means that the attorney is current on payment of Bar dues and attorney occupation tax; has met Minimum Continuing Legal Education requirements; and is not presently under either administrative or disciplinary suspension.

No disciplinary action involving professional misconduct has been taken against the attorney's law license. This certification expires 30 days from this date, unless sooner revoked or rendered invalid by operation of rule or law.


John A. Neal
Chief Disciplinary Counsel

JN/dh



**RESUMÉ
of
DAVID BIAGAS**

Personal Data

Name: David Edward Biagas
Date of Birth:
Place of Birth:
Marital Status:
Family:
Address:

Education

1970 - 1971	Loyola High School - Scholarship Recipient
1974 - 1979	UCLA Graduate - California State Scholar
1979 - 1982	TSU Law School - GOP Fellowship
1985 - 2002	Assistant Attorney General - Texas State CSED
2002 - Present	Private Practice

Judicial Experience

Appointed February 7, 2006 by City Council of the City of El Paso

Worked as Judge in Dyer Street Court for Judge Horkowitz

Served as Judge for Regina Arditti, David Bonilla, Max Muñoz, and Daniel Robledo, and all night , weekend, and holiday shifts.

COPY

LESLIE & LAY, P. C.

DONALD S. LESLIE*
CHERYL S. LAY**

ATTORNEYS AT LAW
2731-A MONTANA AVENUE
EL PASO, TEXAS 79903-3799
www.leslieandlay.com

(915) 565-9000
FAX (915) 565-9191

*Board Certified - Consumer Bankruptcy Law
and Business Bankruptcy Law
Texas Board of Legal Specialization and
American Board of Legal Certification
**Licensed in Texas and New Mexico
Board Certified - Consumer Bankruptcy Law
Texas Board of Legal Specialization

BARBARA WELCH
Certified Legal Assistant
Bankruptcy Specialist

October 18, 2006

Ms. Delia Ulloa
Human Resources Department
City of El Paso
2 Civic Center Plaza, 3rd Floor
El Paso, TX 79901-1196

RECEIVED

OCT 19 2006

**HUMAN RESOURCES DEPT.
ADMINISTRATION**

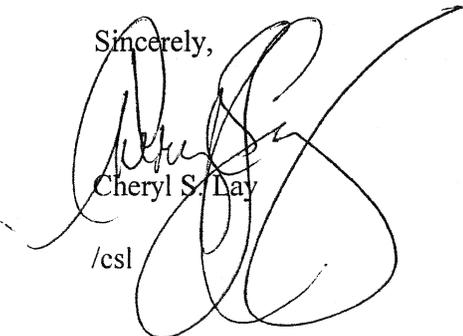
RE: Substitute Associate Municipal Judge

Dear Ms. Ulloa:

Enclosed is my application for the above referenced position. I am currently appointed by the City as a part-time Substitute Associate Municipal Judge and am interested in the permanent position. I am available to meet with you or members of City Council at your convenience.

Thank you for your considerations in this matter.

Sincerely,


Cheryl S. Lay

/csl

COPY

CHERYL SELLERS LAY

RESUME

EDUCATION and LICENCES

Licensed in New Mexico, 2000.
Licensed in Texas, 1997.
Texas Tech School of Law, JD, 1997.
University of Texas at El Paso, Bachelor of Science in Criminal Justice, 1994.
Southwestern Paralegal Institute, Certificate of Completion, Paralegal Studies, 1987.
International Business College, Certificate, Legal Secretary, 1982.
MAVO, Lichtenvoorde, Holland, Foreign Exchange Student, 1978.
Coronado High School, 1977.

LEGAL EXPERIENCE

Leslie & Lay, P.C.
Attorneys at Law
2731A Montana
El Paso, TX 79903
(915) 565-9000
Partner. August 1999 to present.

City of El Paso
2 Civic Center Plaza
El Paso, TX 79901
(915) 546-2901
Associate Municipal Court Judge. August 2002 to present.

El Paso Community College
919 Hunter Drive
El Paso, TX 79915
(915) 831-2000
Instructor of Legal Research and Writing and Wills and Probate. 1998-2002

Eighth Court of Appeals
500 E. San Antonio, 12th Floor
El Paso, TX 79901
(915) 546-2400

Law Clerk for Justice Ann C. McClure. September 1997 to August 1999.

Southern New Mexico Legal Services
300 N. Downtown Mall
Las Cruces, NM 88001
505-541-4800

Intern assisting in the representation of migrant farm workers. Assisted in managing clientele of satellite office. Summer of 1996.

Krafsur, Gordon, Mott
4695 N. Mesa
El Paso, TX 79912
(915) 545-1133
Legal Assistant to Andrew Krafsur, 1994

Mayfield & Perrenot, P.C.
221 N. Kansas Street
El Paso, TX 79901
(915) 533-2468
Legal Assistant to Andrew Krafsur, 1990-1994

Kemp, Smith, Duncan & Hammond
221 N. Kansas Street
El Paso, TX 79901
(915) 533-4424
Legal Assistant to bankruptcy department, 1987-1990

ACTIVITIES AND ORGANIZATIONS

El Paso Bar Association, member.
El Paso Women's Bar Association, Vice-President 1999-2000.
Texas Bar Association, member.
New Mexico Bar Association, member.
El Paso Border Bankruptcy Bar, President, 2001-02, Vice-President 2000-01, Treasurer 1999-2000.
College of the State Bar, member.
Amigo Airsho, Board of Directors.
St. Mark's Methodist Church.